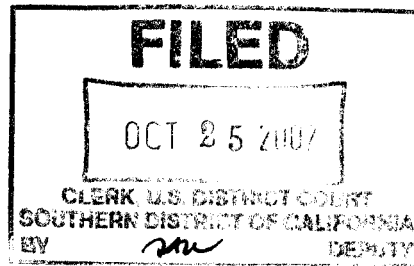


105A



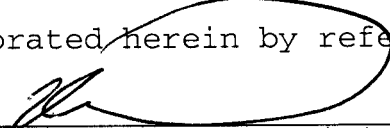
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA '07 MJ 8872

UNITED STATES OF AMERICA)	Magistrate Case No.:
)	
Plaintiff,)	COMPLAINT FOR VIOLATION OF
)	
v.)	21 U.S.C. § 952 and 960
)	Importation of a Controlled
Jesus DELGADO-Elenes,)	Substance (Felony)
)	
Defendant.)	

The undersigned complainant being duly sworn states:

That on or about October 24, 2007, within the Southern District of California, defendant Jesus DELGADO-Elenes, did knowingly and intentionally import approximately 46.48 kilograms (102.26 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Vincent McDonald Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th
DAY OF OCTOBER 2007.


Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.
Jesus DELGADO-Elenes

STATEMENT OF FACTS

3
4 This complaint is based on the reports, documents, and notes furnished to U. S. Immigration
5 and Customs Enforcement Special Agent Vincent McDonald.

6 On October 24, 2007, at approximately 0640 hours, Jesus DELGADO-Elenes entered the
7 United States from the Republic of Mexico via the Calexico, CA West Port of Entry. DELGADO
8 was the driver, sole occupant and registered owner of a 1999 Ford Econoline.

9
10 Customs & Border Protection Officer (CBPO) J. Chavez obtained a negative Customs
11 declaration from DELGADO. DELGADO stated he was traveling to the U.S. to go shopping in
12 "Santo Tomas Swap Meet," in Calexico for computers and electronic equipment. DELGADO
13 claimed to be the owner of the vehicle for approximately five months. CBPO J. Chavez inspected
14 the vehicle utilizing a mirror and observed a foreign substance smeared on top of the gas tank.
15 CBPO J. Chavez tapped the gas tank of the vehicle and it felt solid. CBPO J. Chavez referred
16 DELGADO and the vehicle to the vehicle secondary (VS) inspection area for further examination.
17

18 In the VS area, CBPO J. Chavez informed CBPO E. Stewart that the gas tank of the 1999
19 Ford Econoline felt solid. CBPO E. Stewart approached DELGADO and obtained a negative
20 Customs declaration. DELGADO stated he was traveling to "Santo Tomas" in Calexico, California.
21 CBPO E. Stewart tapped on the gas tank and it felt firm. CBPO E. Stewart requested assistance
22 inspecting the vehicle from CBPO D. Alba.
23

24 CBPO D. Alba inspected the 1999 Ford Econoline utilizing his assigned canine. CBPO D.
25 Alba informed CBPO E. Stewart that the canine alerted to the vehicle.

26 ///

27 ///

28

1 CBPO E. Stewart continued inspecting the gas tank of the vehicle and uncovered a total of
2 48 vacuum-sealed packages with a net weight of 46.48 kilograms (102.26 pounds) concealed within
3 the gas tank of the vehicle. CBPO E. Stewart probed and field-tested a single package and it tested
4 positive for marijuana, a Schedule I Controlled Substance.
5

6 DELGADO was placed under arrest and advised of his rights per Miranda, which he
7 acknowledged and waived, agreeing to answer questions without the presence of an attorney.
8 DELGADO stated he knew that marijuana was in the vehicle. DELGADO claimed the vehicle was
9 registered in his name to facilitate his entry into the U.S. DELGADO stated he was instructed to
10 drive the vehicle to the "Las Palmas Swap Meet" and contact "Tocayo" by cellular telephone. Once
11 contact with "Tocayo" was initiated, DELGADO stated he was directed to leave the keys in the
12 ignition of the vehicle and depart the scene. DELGADO claimed he was to be paid \$500 for
13 transporting the marijuana.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28